

Before the
UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

West Elkton Post Office
West Elkton, Ohio

Docket No. A2011-53

PUBLIC REPRESENTATIVE COMMENTS

(December 1, 2011)

I. SUMMARY OF PROCEEDINGS

The Commission received several appeals beginning on August 13, 2011, for review of the closing of the West Elkton, Ohio post office. The initial appeal petitions were filed by Jessica Compston and John and Sandra Prater and were posted on the Commission's website on August 23, 2011. Another petition received from Richard Bair, Gratis Township Fiscal Officer, was posted on August 23, 2011. In Order No. 826 the Commission instituted a proceeding under 39 U.S.C. 404(d)(5), designated the case as Docket No. A2011-53 to consider the Petitioners' appeal and designated the undersigned as Public Representative.¹ On September 1, 2011, the Commission posted an appeal from Julia Pearson. On September 2, 2011, appeals were posted from Robert Eckhardt and Richard and Julia Steele and Joseph Pierson. On September 15, 2011, petitions were posted from William Bates, Mayor and Fred Specht, Councilman, Petitioners Bair, Jeanne Pierson, Eckhardt, Compston, and Bates filed Participant statements from September 20, 2011 through September 27, 2011.

¹ Notice and Order Accepting Appeal and Establishing Procedural Schedule, August 25, 2011 (Order No. 826).

The Petitioners raise the following issues: (1) the Postal Service failed to consider whether or not it will continue to provide a maximum degree of effective and regular postal services to the community (see 39 U.S.C. 404(d)(2)(A)(iii)) and (2) the Postal Service failed to consider the effect of the closing on the community (see 39 U.S.C. 404(d)(2)(A)(i)).

On September 2, 2011, the Postal Service filed an electronic copy of the administrative record in response to Order No. 826.² On October 17, 2011, the Postal Service filed comments concerning the appeal.³

II. DISCUSSION

The Postal Service proposes to close the West Elkton post office and provide retail and rural route delivery under the administrative authority of the Middletown, Ohio Post Office approximately 10 miles away. Final Determination at 2. Additional service can be provided by the Somerville Post Office, eight miles away. The Postal Service maintains that the West Elkton post office was closed because of multiple reasons: postmaster retirement in 2008 and subsequent vacancy, minimal workload, declining office revenue, other delivery and retail options available from post offices in the area including rural route service and minimal impact on the community. Administrative Record, Item 47; Final Determination at 2-7. Additionally, the record establishes that the West Elkton post office is not accessible for disabled customers, (does not have a counter or ramp access) has no parking and there are building code violations. Administrative Record Item No. 1, Page 1. The West Elkton post office has electric base heaters with a central thermostat, one restroom also used as a storage facility, area separating the facility from the landlord's residence has discarded junk and trash visible and the single wall unit air conditioner needs repair. *Id.* at 8-9.

Regular and effective postal services. Fortunately, in spite of the conditions in the facility as described above the Petitioners state that the services received have

² United States Postal Service Notice of Filing, August 15, 2011 (Administrative Record).

³ United States Postal Service Comments Regarding Appeal, October 17, 2011 (Postal Service Comments).

been satisfactory and they want to maintain a post office in West Elkton. Petitioners state the location is convenient, customer service is good, and they prefer to preserve the post office in the community because it has a history of being the site of a post office, (for a century or more), and senior citizens of the community need the closest facility to their residences. Additionally, other reasons are included in their filings.

On March 30, 2011, the Postal Service provided patrons with questionnaires at the West Elkton Post office and of the 168 distributed 44 patrons returned them. The Postal Service indicates that results were 2 favorable, 22 unfavorable and 20 expressed no opinion on the closing. *Id.*, Item Number 23 at 1-5. On April 11, 2011, a meeting was held with patrons of the facility and Postal Service representatives to discuss the possible closing. *Id.* Administrative Record Item Number 23 at 2-5. The administrative record demonstrates that many of the issues raised by the Petitioners have been considered and responded to by the Postal Service.

An issue that is not adequately addressed is the vandalism that is mentioned by Petitioners Bair, Specht and Eckhardt.⁴ Security of the mail is a significant issue and the standard answers given by the Postal Service are not sufficient to address security when a Petitioner specifically states vandalism occurred. In response to community concerns about mail security the Postal Service states that it requested a report on vandalism in the area and received no evidence that this was an issue. Administrative Record, Item 15 at 1; Item 25 at 2-3, Final Determination, Item 47 at 5. However, several of the Petitioners allege that vandalism is a concern. The record does not indicate that patrons are advised how to report vandalism of mailboxes, whether the Petitioners did report it or if the Petitioners or other patrons understand how this is to be reported to the Postal Service. Since the retail facility is being removed from the community and retail transactions have been changed to provide rural route delivery, security concerns should have been thoroughly considered.

Another area that is not sufficiently considered by the Postal Service is the concerns raised by Petitioners Bates and Specht about comparison of the West Elkton

⁴ Petitioner Specht received a response to his initial letter to the Postal Service prior to the appeal of this matter. See Administrative Record, Item No. 22 at 42.

facility with the Collinsville facility. In the interest of transparency the Postal Service should provide some detail about the mystery formula used when comparing facilities to consolidate or close to demonstrate there is some rational basis for these decisions. The Petitioners state that Collinsville, a nearby post office, which they consider has building code problems and other issues is not being closed. It is logical from the Petitioners' point of view to consider that a facility in close proximity located in a garage with a retired postmaster and no parking is an appropriate comparison for closing rather than the free standing facility in West Elkton. The Postal Service may have basic reasons such as the stability of revenue or less expensive lease costs for example, that may explain the differences. However, it does not disclose the reasons or suggest that there are significant differences. It does provide a standard answer that each office is evaluated separately but does not disclose the reasonableness of its determination to the Petitioners. Raising the veil somewhat on this mystery may help the sting of closing for some patrons.

Effect on the community. The administrative record demonstrates that patrons of the West Elkton post office travel outside the community to neighboring areas for work, business or other reasons on a regular basis. Administrative Record, Item 22. The Postal Service has indicated that the mayor's offer to assist with the installation of cluster box units for the area is being considered. If this is done it not only should improve regular and effective service but also should benefit the community because of added convenience. The installation is only under consideration and the record does not state whether or not this will actually happen.

Senior citizens and others with special needs or disabilities may need additional assistance, particularly during the winter months. The record indicates that if hardship requests are made in writing to the administrative postmaster that these needs can be addressed. Final Determination at 5.

The Postal Service also maintains that this closing will result in a total annual savings of \$42,008. The replacement service costs in this case are \$6663. Because of the annual lease costs of \$4,392 it appears that the Postal Service should have negotiated better lease terms, received repairs or received regular maintenance so that the facility did not have building code violations and would have been in better condition for customers. *Id.* at 8. The Postal Service also does not indicate if there were expenses associated with lease termination since the lease does not expire until 2015. Administrative Record, Item 6, pg. A.

Respectfully Submitted,
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